

as first class mail to Addressee" Mailing Label		IN THE UNITED STA	ATES PATENT AND	TR/	ADEMARK OFFICE
(inventor(s))  OR  In re application of: Thomas Jokerst Group Art Unit: 2743 Serial No.: 09 / 105,705 Examiner: Unknown Filed: June 26, 1998 For: RETURN PATH NOISE REDUCER  Commissioner of Patents and Trademarks Washington, D.C. 20231  TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  (37 CFR 1.97(b))  NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three modified of the filing date of a national application; (2) within three months of the date of entry of the restage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first action on the merits, whichever event occurs last." 37 CFR 1.97(b).  NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Whe filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 3 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the least one claim comments and fees required by § 1.81(a) are filed in the least of the documents and fees required by § 1.81(a) are filed in the least one claim comments and fees required by § 1.81(a) are filed in the least of the documents and fees required by § 1.81(a) are filed in the least one claim, one of the comments and fees required by § 1.81(a) are filed in the least one claim, one of the comments and fees required by § 1.81(a) are filed in the least one claim, one of the comments and fees required by § 1.81(a) are filed in the least one claim, one of the comments and fees required by § 1.81(a) are filed in the least one claim, one of the comments of the comments of the comments and f	Patent a	pplication	Docket No.	4.	172-4913 #
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(check and complete appropriate item below ):  37 CFR 1.8(a)  With sufficient postage as first class mail  (check and complete appropriate item below ):  37 CFR 1.10  as "Express Mail Post Office to Addressee" Mailing Label	on the da	ate shown below with the Uni	ited States Postal Service in	eing a an em	ttached or enclosed) is being deposited velope addressed to the Commissioner
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No		h sufficient postage	<u>or</u>		37 CFR 1.10 as "Express Mail Post Office to Addressee" Mailing Label No
Anthony G. Simon (type or print name of person mailing paper)		11/0/98	(type or print	name	of person mailing paper)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)

(2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

- NOTE "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No. 40,813

Tel. No.: (314)

SIGNATURE OF ATTORNEY Anthony G. Simon

Howell & Haferkamp, L.C.

7733 Forsyth, Suite 1400 (P.O. Address)

St. Louis, Missouri 63105

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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

St. Louis, Missouri November 10, 1998

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: BOX IDS, Assistant Commissioner for Patents, Washington, D.C. 20231 on **November 10**, 1998.

Anthony Sir

Reg. No. 40, 13

7733 Forsyth Boulevard

**Suite 1400** 

St. Louis, Missouri 63105

(314) 727-5188

RECEIVED

NOV 1 8 1998

Group 2700

In re application of:

Thomas Jokerst

Examiner Unknown

Serial No.: 09/105,705 Filed: June 26, 1998

Group Art Unit 2743

For: Return Path Noise Reducer

**BOX IDS** 

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

## **LETTER**

Dear Sir:

Enclosed herewith are the following:

- (1) Transmittal of Information Disclosure Statement within three months of filing or before mailing of first Office Action
  - (2) Information Disclosure Statement
  - (3) Copies of References
  - (4) Return Filing Postcard

It is believed that this Information Disclosure Statement is being filed before the mailing of a first Office Action. Therefore, Applicant believes there is no fee required. However, if a fee is required under 37 C.F.R. §1.17(p) (For Submission of an information disclosure statement under §1.97(c)), the Commissioner is hereby authorized to charge any such fee which may be required for the filing of the Information Disclosure Statement to Account No. 18-1829.

Respectfully submitted,

Anthony Simon/ Reg. No. 40,8/3

Howell & Haferkamp, L.C.

7733 Forsyth Boulevard, Suite 1400

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(314) 727-5188

November 10, 1998